

REMARKS

Claims 1, 3 to 4, 8 to 10, 12, 14, 15, 19 to 21, 23, 25, 26, 30 to 32, 34, 36, 37, and 41 to 43 were pending in the application at the time of examination. Claims 1, 3 to 4, 8 to 10, 12, 14, 15, 19 to 21, 23, 25, 26, 30 to 32, 34, 36, 37, and 41 to 43 stand rejected under 35 U.S.C. § 102(b).

Claims 1, 3 to 4, 8 to 9, 12, 14, 15, 19 to 20, 23, 25, 26, 30 to 31, 34, 36, 37, and 41 to 42 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,055,314, hereinafter referred to as "Spies".

Applicant respectfully traverses the anticipation rejection of each of Claims 1, 3, 12, 14, 23, 25, 34 and 36 in view of Spies. The rejection stated in part:

[see col. 2, lines 62-67, and col. 3, lines 1-4, wherein the IC card is viewed as a "user device" and the video merchant is viewed as a "application program provider" and the video program is viewed as an "obfuscated application program"]. [see col. 3, lines 19-35, wherein the IC card's signing keys are viewed as the "Target ID"] (Emphasis in original.)

The rejection itself demonstrates that the requirements of the MPEP for an anticipation rejection have not been met. The MMPEP standard does not say that the reference describes things that can be viewed as reading on the claim. Rather, Applicant respectfully notes that to support an anticipation rejection, Spies must show "'The identical invention . . . in as complete detail as is contained in the . . . claim'" and Spies also must show "The elements must be arranged as required by the claim."

MPEP § 2131, 8th Ed., Rev. 6, pg. 2100-67 (Sept. 2007). Spies fails to satisfy these requirements.

Viewing the IC card's signing keys as the "Target ID," fails to demonstrate that Spies teaches the invention in the same level of detail as recited in the claims. In particular,

the rejection has failed to cite any teaching of a smart card that includes a virtual machine where the target ID is a virtual machine ID as recited in these claims. A key fails to teach or suggest anything concerning a virtual machine ID. This alone is sufficient to overcome the anticipation rejection.

In addition, the rejection has failed to cite any teaching of a virtual machine on the IC card of Spies. Also, the claims recite an application provider and a user device, while Spies teaches the IC card, a video merchant and a video content provider. The rejection has failed to identify two parties in Spies that read on these claims. Thus, the anticipation rejection is not well founded on multiple levels. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 1, 3, 12, 14, 23, 25, 34 and 36.

Claim 4 depends from Claim 3; Claim 15 from Claim 14; Claim 26 from Claim 25; and Claim 37 from Claim 36. Therefore, each of Claims 4, 15, 26, and 37 distinguishes over Spies for at least the same reasons as the claim from which each depends.

Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 4, 15, 26, and 37.

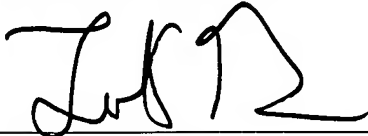
Applicant respectfully traverses the anticipation rejection of Claims 8, 19, 30 and 41 in view of Spies. The above comments with respect to Spies are incorporated herein by reference. The rejection again has failed to cite any teaching of a virtual machine or a virtual machine ID. Also, the teaching in Spies relies upon a purchaser, a video merchant and a video content provider, which is different from an application provider and a user device. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 8, 19, 30 and 41.

Claims 9 and 10 depend from Claim 8; Claims 20 and 21 from Claim 19; Claims 31 and 32 from Claim 30; and Claims 42 and 43 from Claim 41. Therefore, each of Claims 9, 10, 20, 21, 31, 32, 42 and 43 distinguishes over Spies for at least the same reasons as the claim from which each depends. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 9, 10, 20, 21, 31, 32, 42 and 43.

Claims 1, 3 to 4, 8 to 10, 12, 14, 15, 19 to 21, 23, 25, 26, 30 to 32, 34, 36, 37, and 41 to 43 remain in the application. Claims 2, 5 to 7, 11, 13, 16 to 18, 22, 24, 27 to 29, 33, 35, 38 to 40 and 44 to 48 have been cancelled. For the foregoing reasons, Applicant(s) respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

CERTIFICATE OF MAILING

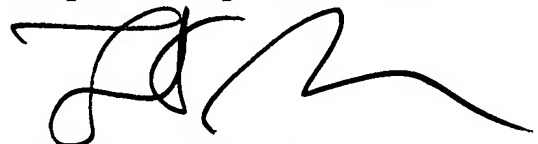
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 30, 2009.



Attorney for Applicant(s)

January 30, 2009
Date of Signature

Respectfully submitted,



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